

Civil Statutes of Texas, and to validate levies and assessments of taxes made by cities for 1889,"

And to recall it from the House.

Adopted.

On motion of Senator Kimbrough, Senate bill No. 387, a bill to be entitled "An act to amend title 15, chapter 3 of the Code of Criminal Procedure by adding article 1077a thereto,"

Was laid before the senate, read the third time, and passed.

On motion of Senator Burney

The Senate adjourned till ten o'clock to-morrow morning.

## SEVENTY-FIRST DAY.

SENATE CHAMBER,  
AUSTIN, April 5, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Upshaw,

The reading of the Journal of yesterday was dispensed with.

On motion of Senator Woodward, Senator Abercrombie was excused till to-morrow on account of important business.

## REPORTS OF STANDING COMMITTEES.

By Senator Cranford:

COMMITTEE ROOM,  
AUSTIN, April 4, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 185, being "An act to amend title 42, chapter 4, article 2411 of the Revised Civil Statutes of the State of Texas, relating to furniture, stationery and office room allowed certain county officers,"

And find the same correctly engrossed

CRANFORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, April 4, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills

have carefully examined and compared

Senate bill No. 203, being "An act to amend article 2220, chapter 2, title 38, of the Revised Civil Statutes of the State of Texas, by adding thereto articles 2220a, 2220b, 2220c, and 2220d, relating to notice of taking depositions in civil suits,"

And find the same correctly engrossed.

CRANFORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, April 4, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 373, entitled "An act to authorize Mrs. Sarah A. Nichols, widow of Aquilla J. Nichols, to sue the State of Texas in the district court of Travis county, Texas,"

And find the same correctly engrossed.

CRANFORD,  
Chairman.

By Senator Atlee:

COMMITTEE ROOM,  
AUSTIN, April 5, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Public Health, to whom was referred

House bill No. 125, entitled "An act to regulate the practice of pharmacy in the State of Texas, and prescribing penalties for the enforcement of the same,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

ATLEE,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, April 5, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Privileges and Elections to whom was referred

Notice of intention to contest the election of Hon. E. G. Maetze to represent the Twelfth Senatorial district in the Twenty-first Legislature of Texas,

Have had the same under consideration, and instruct me to report that the contestee is entitled to his seat as Senator from the Twelfth Senatorial district, elected at the last general election of the State, as evidenced by the proper certificate of the returning officer; and further that the contestant has not appeared, and no one for him, whereupon your committee consider said contest abandoned.

All of which is respectfully submitted.

ATLEE,  
Chairman.

On motion of Senator Townsend, the report was adopted.

By Senator McDonald:

COMMITTEE ROOM,  
AUSTIN, April 5, 1889.

*To Hon. T. B. Wheeler, President of the Senate, and Hon. F. P. Alexander, Speaker of House of Representatives:*

Your conference committee, appointed to consider the differences between the two houses in reference to the Senate amendments to substitute House bill No. 40, have had the same under consideration, and beg leave to report and recommend that the House do concur in all the Senate amendments.

All of which is respectfully submitted.

MCDONALD,  
CRANFORD,  
STEPHENS,  
BURGES,

Conferees on part of the Senate.

STRONG,  
WILLIAMSON,  
MCGAUGHEY,  
MCCOMB,  
JAGOE,

Conferees on part of the House.

On motion of Senator McDonald,  
The report was adopted.

By Senator Morris:

COMMITTEE ROOM  
AUSTIN, April 4, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your committee appointed to examine the Comptroller's and Treasurer's accounts, having performed that duty, have the honor to report:

First. After an exhaustive examination of the several departments of the Comptroller's office, during which we were officered every facility by the

able and courteous head of that department and his corps of efficient assistants, we found everything pertaining thereto in a condition and conducted in a way to protect and conserve the interests of Texas. The system of accounts now employed is most admirable, and shows a marked improvement in method and execution over that of former years. We do not say the system is perfect, for in this progressive age nothing is deemed perfect; but this department in its entirety is certainly abreast with the times.

Our examination of the sheriff's account, on file in the Comptroller's office, revealed the fact that in many instances these accounts bear evidence of excessive and fraudulent overcharges. These excessive charges generally appear in the shape of mileage in the service of judicial process or conveying attached witnesses, by taxing full mileage for each witness, when the service is or could be had by one trip.

In this way lawful fees are multiplied and large fee bills run up against the State. In some cases these overcharges are so patent as to enable the Comptroller, whose duty it is to scrutinize these accounts to detect them, and in all such cases he very properly corrects them; but there are, no doubt, many instances where fraud is perpetrated, because it cannot be detected. It is to be hoped that the wisdom of the Twenty-first Legislature may suggest a remedy for the defects of the law which make such things possible.

An examination of the accounts of the collectors of Texas reveals the fact that but one collector in this great State of ours has failed to make his settlement for 1887 taxes, a most excellent showing for this great number of officers, and much to their credit, and a showing that has never been made before. We are, after examining many accounts of the various institutions of Texas, impressed with the belief that Texas should never make her purchase in the retail markets; and we believe that one board composed of competent men, well paid, whose duty it should be to audit the accounts of and purchase all supplies for her many institutions, would be invaluable to the State, and would dispense with the services of the many boards and commissioners now in her employ, and greatly simplify our system of administration.

We have made a careful and satisfactory examination of the Treasurer's

office, in which we were ably assisted by that faithful public servant, Treasurer Lubbock, and his efficient and courteous cashier, Mr. Wortham, and, by careful count, found the cash balances \$1,721,442.97, and bonds and other securities to the value of \$7,397,841.50, as shown by the balance sheet herewith attached (marked exhibit D), to be correct, and all of it actually on hand. The books of the office are well and neatly kept, the bonds and other securities well preserved. In short, everything shows a thorough knowledge and perfect performance of their duties by those charged with the custody and disbursement of this great fund. Your committee deems this vast, yet partially unavoidable, accumulation of the people's money in our State Treasury, detracting it from its legitimate channels of commerce, thereby depreciating the values of all other commodities and appreciating that of money, a deplorable condition for the masses. Notwithstanding the endeavor for the last quarter of a century to impress upon the American people that over-taxation and consequent accumulation of the people's money into government vaults and its inevitable diversion in channels presumably yet questionably public. We feel, regardless of the people's rights, that they can manipulate that amount beyond what is necessary to economically administer the government to a better advantage than can a National or State government. We recommend, as did our Governor in his message to the Twentieth Legislature, that this money be returned to those from whom it was unnecessarily taken.

All of which is respectfully submitted.

MORRIS,  
Chairman.

#### EXHIBIT D.

BALANCES IN TREASURY ON THE TWENTY-FOURTH DAY OF JANUARY, 1889.

Account.	Cash.	Bonds.
General revenue..	\$1,229,359 58	
Available school fund.....	29,689 86	
Available University fund....	102,232 19	
Permanent school fund .....	78,282 18	
Permanent Uni-		\$6,349,757 00

Account.	Cash.	Bonds.
University fund....	4,579 02	549,300 00
Blind Asylum land sales account...	9,332 02	80,400 00
Orphan Asylum land sales account.....	5,757 02	
Deaf and Dumb Asylum land sales account...	5,201 62	44,500 00
Asylum land sales account.....	6,604 02	85,100 00
County tax account .....	24,645 47	
Agricultural and Mechanical College fund. ....	6,358 80	209,000 00
Escheated estate.	4,528 75	375 00
Tax titles.....	605 12	
Available Lunatic Asylum land sales account .....	3,461 15	
Available Deaf and Dumb Asylum land sales account.....	3,723 71	
Available Blind Asylum land sales account....	2,473 65	
Available Orphan Asylum land sales account...	9,853 05	79,409 50
Special loan tax..		
Dallas city bonds account .....	34,373 96	
Sherman city bond account (Texas and Pacific railway) .....	1,332 92	
Sherman city bond account (Houston and Texas Central railway)	20,801 11	
Land sales account (act of March 20, 1887)	20,001 20	
McKinney city bond account....	2,499 40	
Tyler city bond account. ....	41	
Waxahachie county bond account	707 94	
Anderson county bond account...	14,198 83	
Peabody school fund .....	3 02	
Five per cent bond sales account .....	38 65	
Smith county bond account ..	1,156 37	
Four per cent bond sales account.....	3 43	
Walker county bond account..	7,570 08	
Cost of advertising lands, etc...	423 22	
Unorganized county tax account..	70,055 07	
Collector's costs..	62 93	
Capitol land sales	150 55	
Certificate of public debt.....	339 43	
Settlement of estates .....	1,590 18	
Harrison county Comp. sub bond account .....	10,982 61	
Redemption funds, etc. ....	883 71	
Land sales ac-		

Account.	Cash.	Bonds.
count (act July 14, 1879) .....	876 14	
Capitol building fund .....	143 97	
State cost of redemptions .....	2,411 34	
Bexar county bond account .....	4,209 27	
	\$1,721,442 97	\$7,397,841 50

JOHN D. MCCALL,  
Comptroller.

On motion of Senator Burney the report was ordered printed in the Journal.

Senator Armistead called up Senator Kimbrough's motion to reconsider the vote by which

House bill No. 681, a bill to be entitled "An act to repeal chapter 57 of the acts of the Twelfth Legislature, approved April 11, 1871, entitled an act to incorporate the city of Groesbeeck, in Limestone county."

On motion of Senator Armistead the motion to reconsider was laid on the table.

Senator Armistead called up the House concurrent resolution relating to reimbursing certain citizens of Brenham for losses by fire in September, 1866.

The resolution was laid before the Senate and read the second time with an unfavorable committee report.

On motion of Senator Upshaw, The committee report was rejected. Senator Upshaw then spoke in favor of the resolution.

The resolution passed to its third reading.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, April 5, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—I herewith return at the request of the Senate

House bill No. 669, "An act to amend article 426, title 17, chapter 5 of the Revised Civil Statutes of Texas, and to validate levies and assessments of taxes made by cities for 1889."

W. M. IMBODEN,  
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,  
AUSTIN, April 5, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—The House has passed

Senate joint resolution No. 19, "Joint resolution to amend section 9, article 8. of the Constitution of the State of Texas,"

By a two-thirds vote—yeas, 82; nays, none.

W. M. IMBODEN,  
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,  
AUSTIN, April 4, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—I am directed to inform the Senate that the House has concurred in Senate amendments to

Substitute House bill No. 167, "An act to provide for the inspection of refined oils, which are the product of petroleum, and which may be used for illuminating purposes within this State, and to regulate the sale and use thereof, and to provide penalties for the violation of the same."

The House has concurred in the Senate amendments to

House bill No. 307, "An act to regulate the presentation and collection of claims for personal services or labor, or for damages or for over charges on freight against railway corporations doing business in this State in case where amount does not exceed fifty dollars, and to fix the measure of damages recurring in certain of such cases."

W. M. IMBODEN,  
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,  
AUSTIN, Texas, April 5, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—I am directed to inform the Senate that the House has passed

House bill No. 605, being "An act to amend section 17 of an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3 of title 78 of the Revised Civil Statutes as refer to public free schools outside of cities and towns, assuming or having assumed control of their public schools, and all laws and parts of laws in conflict with this act, passed at the special session of the Eighteenth Legislature, which was presented to the Governor for his signature on the sixth day of February, 1884, and became a law without his approval."

Senate bill No. 375, entitled "An act to amend article 1056, chapter 2, title 15, of the Code of Criminal Procedure, as amended by an act

of the Eighteenth Legislature, approved April 12, 1883."

Under a suspension of the constitutional rule, by a two-thirds vote; yeas, 75; nays, 1.

The House has reconsidered the vote by which

Substitute House bill No. 327, being "An act to amend article 4746, chapter 4, title 95, of the Revised Civil Statutes of the State of Texas, and to add articles 4746a, 4746b, 4746c, 4746d and 4746e," was passed and the

Senate is respectfully requested to return the said bill to the House.

The House has adopted the report of the conference committee on

Substitute House bill No. 40, the land bill.

The House has passed

Substitute Senate bill No. 55, An act to provide for the speedy enforcement of the liens of mechanics, contractors, sub-contractors, builders, laborers, and material men, and to repeal all laws in conflict with this act," with an amendment.

W. M. IMBODEN,

Chief Clerk House of Representatives.

The President referred House bill No. 605 to Committee on Education.

Senator Burney, by leave:

COMMITTEE ROOM,  
AUSTIN, April 2, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Education, to whom was referred

House bill No. 605, entitled "An act to amend section 19 of an act to establish and maintain a system of public free schools for the State of Texas, passed at the special session of the Eighteenth Legislature, which was presented to the Governor for his signature on the sixth day of February, 1884, and became a law without his approval,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

BURNEY,  
Chairman.

Bill read first time.

#### BILLS ON THIRD READING.

Senate bill No. 373, a bill to be entitled "An act to authorize Mrs. Sarah A. Nichols, widow of Aquilla J. Nich-

ols, to sue the State of Texas in the district court of Travis county Texas,"

Was laid before the Senate and read the third time.

Senator Claiborne offered the following amendments:

Amend by striking out "Aquilla," where it occurs in the bill, and instead, substitute the word "Quilla."

It being important that the benefits of this act be realized at an early day because the party to be benefitted by this act has no other remedy under existing laws, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days should be suspended and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage and it is so enacted.

The amendments were adopted by the following vote:

YEAS—25.

Allen,	Ingram,
Armistead,	Jarvis,
Atlee,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Morris,
Cranford,	Pope,
Davis,	Sims,
Field,	Stephens,
Finley,	Townsend,
Frank,	Upshaw,
Glasscock,	Woodward.
Harrison,	

NAYS—None.

ABSENT—4.

Kimbrough,	Simkins,
Seale,	Tyler.

The bill, as amended, passed by the following vote:

YEAS—24.

Allen,	Jarvis,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Sims,
Field,	Stephens,
Frank,	Townsend,
Glasscock,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.

NAYS—2.

Davis,	Finley.
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## ABSENT—3.

Kimbrough, Simkins.  
Seale,

Senate bill 185, a bill to be entitled "An act to amend title 42, chapter 4' article 2411 of the Revised Civil Statutes of the State of Texas, relating to furniture, stationery and office room allowed certain county officers,"

Was laid before the Senate, read the third time and passed.

Senate bill No. 203, a bill to be entitled "An act to amend article 2220, chapter 2, title 38 of the Revised Statutes of the State of Texas, by adding thereto articles 2220a, 2220b, 2220c and 2220d, relating to notice of taking depositions in civil suits,"

Was laid before the Senate, read the third time and passed.

Senator Stephens called up, out of its regular order,

Substitute Senate joint resolution No. 18, authorizing the Superintendent of Public Buildings and Grounds to dispose of the old furniture in the Capitol building, and to rent and collect rent upon the Temporary Capitol building, and upon any other land or lots in the city of Austin belonging to the State, but not used by the State.

The resolution was laid before the Senate and read the second time.

Senator Stephens moved to

Amend section 1 by striking out of the caption and resolution all in relation to renting the Temporary Capitol building.

Adopted.

The bill as amended was ordered engrossed.

On motion of Senator Stephens,

The constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

## YEAS—25.

Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Morris,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Sims,
Davis,	Stephens,
Field,	Townsend,
Finley,	Tyler,
Frank,	Upshaw,
Ingram,	Woodward.
Jarvis,	

## NAYS—1.

Glasscock.

## ABSENT—3.

Harrison, Simkins.  
Kimbrough,

The bill was read third time and passed.

On motion of Senator Pope

House substitute for Senate bill No. 18, "A bill to be entitled an act to authorize railroad companies in this state to provide separate coaches for white and colored passengers,"

Was laid before the Senate and read the second time.

Senator Pope moved to amend by striking out "decent" in line—, section — and insert "descent."

Adopted.

Senator Upshaw moved to

Amend by adding:

The near approach of the close of the session is such an imperatively public necessity as justifies the suspension of the constitutional rule requiring this bill to be read on three several days, and said rule is hereby suspended.

Adopted.

The bill as amended passed to its third reading.

On motion of Senator Pope the constitutional rule was suspended to put the bill on its third reading and final passage by the following vote:

## YEAS—25.

Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Morris,
Burney,	Pope,
Cranford,	Seale,
Davis,	Sims,
Field,	Stephens,
Finley,	Townsend,
Frank,	Tyler,
Glasscock,	Upshaw,
Jarvis,	Woodward.
Ingram,	

## NAYS—1.

Claiborne.

## ABSENT—3.

Harrison, Kimbrough.  
Simkins,

The bill was read the third time, and passed.

On motion of Senator Burges,

Senator Burney was excused for the forenoon on account of indisposition.

On motion of Senator Kimbrough,

The Senate concurred in House amendments to

Substitute Senate bill No. 55, a bill to be entitled "An act to provide for

the speedy and efficient enforcement of the liens of mechanics, contractors, sub-contractors, builders, laborers and material men."

On motion of Senator Tyler,

Senate bill No. 44, a bill to be entitled "An act to amend article 3014, chapter 1, title 57, of the Revised Civil Statutes of the State of Texas,"

Was laid before the Senate and read the second time.

Senator Tyler moved to

Amend by adding the following:

"Section 2. The near approach of the close of the present session of the Legislature, and the importance of extending relief to the volunteer firemen of the State, creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended and that this act take effect from and after its passage, and it is so enacted."

Adopted.

The bill as amended was ordered engrossed.

On motion of Senator Tyler the constitutional rule was suspended to place the bill on its third reading and final passage.

By the following vote:

YEAS—28.

Allen,	Jarvis,
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Morris,
Cranford,	Seale,
Davis,	Simkins,
Field,	Sims,
Finley,	Stephens,
Frank,	Townsend,
Glasscock,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.

NAYS—None.

ABSENT—1.

Pope,

The bill was read the third time and

Passed by the following vote:

YEAS—27.

Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,

Burges,  
Burney,  
Cranford,  
Davis,  
Field,  
Finley,  
Frank,  
Glasscock,  
Harrison,  
Ingram,  
Jarvis,

McDonald,  
Morris,  
Pope,  
Seale,  
Simkins,  
Sims,  
Stephens,  
Tyler,  
Upshaw,  
Woodward.

NAYS—1.

Claiborne.

ABSENT—1.

Townsend.

Senator Davis sent up the following privileged reports:

COMMITTEE ROOM,  
AUSTIN, April 5, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Enrolled Bills have carefully examined and compared

Substitute Senate bill No. 55, being "An act to provide for the speedy and efficient enforcement of the liens of mechanics, contractors, sub-contractors, builders, laborers and material men, and to repeal all existing laws and parts of laws in conflict with the provisions of this act,"

And find the same correctly enrolled, and have this day, at 11:50 o'clock a. m., presented the same to the Governor for his signature.

DAVIS,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, April 5, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 188, being "An act to provide for the payment of the bonds of the State, issued under an act of the Legislature, approved August 5, 1870,"

And find the same correctly enrolled, and have this day, at 11:50 o'clock a. m. presented the same to the Governor for his signature.

DAVIS,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, April 5, 1889.

*Hon. T. B. Wheeler, President of the Senate, and Hon. F. P. Alexander, Speaker of the House of Representatives:*

Your free conference committee, to whom was referred

House bill No. 396, a bill to be entitled "An act to amend article 4520, title 91, chapter 1, of the Revised Civil Code of the State of Texas,"

Have had the same under consideration, and beg leave to report it back as follows:

First. That House bill No. 396 be adopted with Senate amendments, after striking out Senate amendment all after the word "county," in line 23, down to and including the word "appointment," in line 31.

All of which is respectfully submitted.

DAVIS,  
ATLEE,  
MORRIS,  
For Senate.  
MCGEHEE,  
PICKETT,  
MOSES,  
ERSKINE,  
NEWTON,  
For House.

On motion of Senator Davis,  
The report was adopted.

By leave,  
Senator Stephens sent up the following committee report:

COMMITTEE ROOM,  
AUSTIN, April 2, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Education, to whom was referred

House bill No. 552, entitled "An act to amend an act to establish and maintain a system of public free schools for the State of Texas, by adding thereto a new section, to be known as section 43b, providing for abolishing the office of county superintendent of public instruction whenever the county commissioners' court of any county shall deem it advisable to do so,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

STEPHENS,  
Acting Chairman.

Bill read first time.

Senator Cranford sent up the following privileged report:

COMMITTEE ROOM,  
AUSTIN, April 5, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed bills have carefully examined and compared

Senate bill No. 78, being "An act to amend article 278, title 13, chap-

ter 1, of the Revised Civil Statutes of the State of Texas, so as to prohibit railroad companies and all other common carriers of goods, wares, merchandise and live stock for hire, and their connecting lines within this State from limiting or restricting in any manner their liability as it exists, at common law."

All of which is respectfully submitted.

CRANFORD,  
Chairman.

The following messages were received from the Governor:

EXECUTIVE OFFICE,  
AUSTIN, April 5, 1886.

*To the Hon. Senate, in Session:*

Your advice and consent are respectfully asked to the appointment of G. T. Todd and G. W. Brackenridge to be Regents of the University of Texas.

L. S. Ross, Governor.

EXECUTIVE OFFICE,  
AUSTIN, April 5, 1889.

*To the Honorable Senate, in session:*

I have the honor to transmit herewith, for your information, a list by caption of all bills which have been signed by me up to date or which have become laws without my signature.

Respectfully,

L. S. Ross,  
Governor.

[For captions of laws signed by the Governor, see Appendix "B."]

On motion of Senator Upshaw,  
Senate bill No. 391, a bill to be entitled "An act to prevent the planting, selling and dissemination of Johnson grass, and fixing a penalty therefor,"

Was laid before the Senate and read the second time.

Senators Harrison and Jarvis spoke in opposition to the bill.

Senators Allen and Upshaw favored it.

(Senator Davis in the chair.)

(The President in the chair.)

Senator Kimbrough moved the previous question.

Seconded.

The main question was ordered.

The Senate refused to engross the bill by the following vote:

YEAS—5.

Claiborne,  
Kimbrough,  
Morris,

Townsend,  
Upshaw.

NAYS—22.

Allen,  
Armistead,  
Atlee,  
Burges,  
Cranford,

Ingram,  
Jarvis,  
Lane,  
Maetze,  
McDonald,



Davis,	Pope,
Field,	Seale,
Finley,	Sims,
Frank,	Stephens,
Glasscock,	Tyler,
Harrison,	Woodward.

## ABSENT—1.

Simkins.

After having publicly read their captions, the President gave notice of signing, and did sign, in open session of the Senate,

Senate bill 375, "An act to amend article 1056, chapter 2, title 15 of the Code of Criminal Procedure as amended by an act of the Eighteenth Legislature, approved April 12, 1883."

Senate Joint Resolution No. 19,

And

Joint resolution to amend section 9, article 8 of the Constitution of the State of Texas.

On motion of Senator Woodward,

Senate bill No. 317, a bill to be entitled "An act for the relief of J. M. Bronaugh, providing for the payment of treasury warrant No. 1247 with ten per cent interest thereon, which was issued to him February 6, 1861, for services rendered by him in the protection of the frontier prior to January 28, 1861,"

Was laid before the Senate, read the second time and ordered engrossed by the following vote:

## YEAS—15.

Atlee,	Seale,
Burges,	Sims,
Field,	Stephens,
Harrison,	Townsend,
Lane,	Tyler,
McDonald,	Upshaw,
Morris,	Woodward.
Pope,	

## NAYS—10.

Allen,	Frank,
Armistead,	Ingram,
Claiborne,	Jarvis,
Cranford,	Kimbrough,
Finley,	Maetze.

## ABSENT—3.

Davis,	Simkins,
Glasscock,	

On motion of Senator Woodward,

The constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

## YEAS—24.

Allen,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Cranford,	Morris,
Davis,	Pope,
Field,	Seale,
Finley,	Sims,
Frank,	Stephens,
Harrison,	Townsend,
Ingram,	Tyler,
Jarvis,	Upshaw,
Kimbrough,	Woodward.

## NAYS—2.

Armistead,	Claiborne.
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## ABSENT—2.

Glasscock,	Simkins.
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Senate bill No. 78, a bill to be entitled "An act to amend article 278, title 13, chapter 1, of the Revised Civil Statutes of the State of Texas, so as to prohibit railroad companies and all other common carriers of goods, wares, merchandise and live stock for hire, and their connecting lines, within this State from limiting or restricting in any manner their liability as it exists at common law,"

Was laid before the Senate, read the third time and passed by the following vote:

## YEAS—19.

Allen,	McDonald,
Armistead,	Morris,
Burges,	Pope,
Cranford,	Seale,
Field,	Sims,
Finley,	Stephens,
Frank,	Townsend,
Harrison,	Tyler,
Jarvis,	Woodward.
Kimbrough,	

## NAYS—5.

Davis,	Maetze,
Ingram,	Upshaw.
Lane,	

## ABSENT—4.

Atlee,	Glasscock,
Claiborne,	Simkins.

(Senator McDonald, President pro tem, in the chair.)

On motion of Senator Field,

House bill No. 125, a bill to be entitled "An act to amend article 4746, chapter 4, title 95, of the Revised Civil

Statutes of the State of Texas, and to add articles 4746a, 4746b, 4746c, 4746d and 4746e."

Was taken up out of its regular order."

On motion of Senator Field the constitutional rule was suspended to read the bill the second time.

By the following vote:

YEAS—28.

Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald.
Burges,	Morris,
Claiborne.	Pope,
Cranford,	Seale,
Davis,	Simkins,
Field,	Sims,
Finley,	Stephens,
Frank,	Townsend,
Harrison,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.
Kimbrough,	

NAYS—None.

ABSENT—1.

Glasscock.

The bill was read the second time.

Senator Field moved to

Amend by adding section 18 to the bill.

The near approach of the close of the present session of the Legislature, and the great improbability of reaching this bill on its regular call, and the great importance of legislation on the subject embraced in this bill, creates an emergency and a public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days be suspended, and said rule is so suspended.

Adopted.

Senator Burges moved to

Amend by striking out all requirements as to age of pharmacists and amend the wording of the bill so as to conform to this amendment.

Lost.

Senator Lane moved to

Amend by adding: "Provided that the provisions of this bill shall not prevent any person from engaging in the business herein described as proprietors or owners thereof; provided such proprietor or owner shall have employed in his business some qualified pharmacist to fill prescriptions and compound drugs."

Lost by the following vote:

YEAS—13.

Allen,	Maetze,
Burges,	Simkins,
Claiborne,	Sims,
Cranford,	Stephens,
Frank,	Tyler,
Harrison,	Woodward.
Lane,	

NAYS—14.

Armistead,	Kimbrough,
Atlee,	McDonald,
Davis,	Morris,
Field,	Pope,
Finley,	Seale,
Ingram,	Townsend,
Jarvis,	Upshaw.

ABSENT—1.

Glasscock.

Senator Tyler moved to

Amend section 10 by striking out all of said section after the word "registration," in line 29.

Adopted.

On motion of Senator Field the Senate reconsidered the vote by which Senator Lane's amendment was lost.

The amendment was then adopted.

The bill as amended, passed to its third reading by the following vote:

YEAS—25.

Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Claiborne,	McDonald,
Cranford,	Morris,
Davis,	Simkins,
Field,	Sims,
Finley,	Stephens,
Frank,	Townsend,
Harrison,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.

NAYS—2.

Burges,	Seale.
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ABSENT—2.

Glasscock,	Pope.
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On motion of Senator Kimbrough,

The constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

YEAS—27.

Allen,	Lane,
Armistead,	Maetze,

Atlee,	McDonald,
Claiborne,	Morris,
Cranford,	Pope,
Davis,	Seale,
Field,	Simkins,
Finley,	Sims,
Frank,	Stephens,
Harrison,	Townsend,
Ingram,	Tyler,
Jarvis,	Upshaw,
Kimbrough,	Woodward.

NAYS—1.

Burgess.

ABSENT—1.

Glasscock.

The bill was read the third time, and passed.

(The President in the chair.)

On motion of Senator Armistead,

House bill No. 407, "A bill to be entitled an act to amend an act to regulate the condemnation of property in cities and towns for the purpose of opening, widening or changing public streets, avenues and alleys, or for water mains or sewers, approved March 28, 1883,"

Was taken up out of its regular order, read the second time and passed to its third reading by the following vote:

YEAS—14.

Armistead,	McDonald,
Atlee,	Pope,
Cranford,	Simkins,
Davis,	Sims,
Finley,	Stephens,
Lane,	Townsend,
Maetze,	Tyler.

NAYS—12.

Allen,	Jarvis,
Burgess,	Kimbrough,
Claiborne,	Morris,
Frank,	Seale,
Harrison,	Upshaw,
Ingram,	Woodward.

ABSENT—2.

Field, Glasscock.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, April 5, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has passed

Substitute Senate bill No. 169, "An act to provide for the survey, classification and disposition of the lands embraced in chapter 19 of the general laws of the Sixteenth Legislature, approved February 25, 1879,"

Under a suspension of the constitutional rule, and by two-thirds vote—ayes 82, nays none.

W. M. IMBODEN,  
Chief Clerk House of Representatives

HOUSE OF REPRESENTATIVES,  
AUSTIN, April 5, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that Messrs. McGehee of Hays, Pickett, Mosses, Erskine and Miller have been appointed on the free conference committee on the part of the House on House bill No. 396.

W. M. IMBODEN,  
Chief Clerk House of Representatives.

Senator Ingram offered the following resolution:

*Resolved*, That the Public Printer be requested to send to the Senate the printed list of notaries public by 3 o'clock p. m. to-day.

Adopted.

Senator McDonald moved to take a recess till 3:30 p. m.

Senator Townsend moved to adjourn till 10 o'clock to-morrow morning.

The longer time being put first,

The Senate refused to adjourn till 10 o'clock to-morrow morning by the following vote:

YEAS—4.

Claiborne,	Seale,
Pope,	Townsend.

NAYS—19.

Armistead,	Lane,
Atlee,	Maetze,
Burgess,	McDonald,
Cranford,	Morris,
Davis,	Sims,
Finley,	Stephens,
Frank,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.
Kimbrough,	

ABSENT—5.

Allen,	Jarvis,
Field,	Simkins.
Glasscock,	

And the Senate took a recess till 3:30 p. m.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, TEXAS, April 5, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—The House has passed Substitute Senate bills Nos. 79, 91 and 92, and House bill No. 636, a bill to be entitled "An act to create a more efficient road system for the State, and authorizing the employment of road commissioners; define their duties and powers, and fixing a penalty for failure of duty, and further defining the duties and powers of commissioners' courts,"

With House amendments.

W. M. IMBODEN,  
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,  
AUSTIN, April 5, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—I am directed to inform the Senate that the House has passed

Senate bill No. 127, a bill to be entitled "An act to require butchers and slaughterers of cattle to give a bond, and to prescribe a punishment for violating the conditions of the same, and to prevent the unlawful slaughtering and selling of cattle,"

With House amendments.

W. M. IMBODEN,  
Chief Clerk House of Representatives

HOUSE OF REPRESENTATIVES,  
AUSTIN, April 5, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—I am directed to inform the Senate that the House has passed

Senate bill No. 357, a bill to be entitled "An act to amend article 4247, chapter 10, title 84, of the Revised Civil Statutes of the State of Texas," with House amendments.

Under suspension of the constitutional rule.

The House has adopted the report of

the free conference committee on House bill No. 396.

W. M. IMBODEN,  
Chief Clerk House of Representatives.

Senator Stephens sent up the following privileged report:

COMMITTEE ROOM,  
AUSTIN, April 5, 1889.

*Hon. T. B. Wheeler, President of the Senate*

Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate joint resolution No. 18, being "An act authorizing the Superintendent of Public Buildings and Grounds to dispose of the old furniture in the Capitol building and to sue for and to collect rents upon any other lands or lots in the city of Austin, belonging to the State, but not used by the State,"

And find the same correctly engrossed.

STEPHENS.  
Acting Chairman.

After having publicly read the captions, the President gave notice of signing, and did sign, in open session of the Senate,

Substitute Senate bill No. 55, "An act to provide for the speedy and efficient enforcement of the liens of mechanics, contractors, sub-contractors, builders, laborers and material men, and to repeal all existing laws and parts of laws in conflict with the provisions of this act."

Substitute Senate bill No. 188, a bill to be entitled "An act to provide for the payment of the bonds of the State, issued under an act of the Legislature, approved August 5, 1870."

House bill No. 681, a bill to be entitled "An act to repeal chapter 57 of the acts of the Twelfth Legislature, approved April 11, 1871, entitled an act to incorporate the city of Groesbeeck, in Limestone county,"

House bill No. 471, a bill to be entitled "An act to validate certain acts of notaries public, who have used seals with the words "Texas" engraved between the points of the star therein, instead of around the margin thereof."

House bill No. 633, a bill to be entitled "An act to amend article 975, title 24, of the Revised Civil Statutes of the State of Texas;"

And  
Substitute House bill No. 167, a bill to be entitled "An act to provide for the inspection of re-

fined oils, which are the product of petroleum, and which may be used for illuminating purposes within the State, and to regulate the sale and use thereof, and to provide penalties for the violation of the same."

On motion of Senator Allen

Substitute House bill Nos. 59 and 362, "A bill to be entitled an act to amend article 4238 of the Revised Statutes of the State of Texas,"

Was taken up out of its regular order and read the second time.

Senator Pope moved to

Amend by striking out the requirement of Attorney General to bring suits to enforce provisions of this act.

Adopted.

The bill as amended passed to its third reading.

On motion of Senator Stephens,

The Senate concurred in the House amendments to

Senate bill No. 127, a bill to be entitled "An act to require butchers and slaughterers of cattle, and to prescribe a punishment for the violating of the conditions of same, and to prevent the unlawful slaughtering of and selling cattle."

On motion of Senator Kimbrough,

The Senate concurred in the House amendments to

Substitute Senate bills Nos. 79, 91, 92 and House bill No. 636, a bill to be entitled "An act to create a more efficient road system for the State, and to authorize the employment of road commissioners, define their duty and further define the duty and powers of commissioners' courts."

On motion of Senator Pope,

The Senate concurred in House amendments to

Senate bill No. 357, a bill to be entitled "An act to amend article 4247, chapter 10, title 84, of the Revised Civil Statutes of the State of Texas."

Senator Burney moved to suspend the constitutional to take up and read the second time.

House bill No. 605, a bill to be entitled "An act to amend section 17 of an act to establish and maintain a system of public free schools for the State of Texas, and to repeal as much of chapter 3 of title 78 of the Revised Civil Statutes as refer to public free schools outside of cities and towns assuming or having assumed control of their public schools, and all laws in conflict with this act, passed at the special session of the Eighteenth Legislature, which was presented to the Governor for his signature on the sixth day of February, 1884, and became a law without his approval."

The rule was suspended by the following vote:

YEAS—27.

Abercrombie,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burney,	McDonald,
Claiborne,	Morris,
Cranford,	Pope,
Davis,	Seale,
Field,	Simkins,
Finley,	Sims,
Frank,	Stephens,
Glasscock,	Tyler,
Harrison	Upshaw,
Ingram,	Woodward.
Jarvis,	

NAYS—None.

ABSENT—3.

Allen,	Townsend.
Burges,	

Senator Sims moved to

Amend by adding thereto as follows: "And all the income derived from this act in the way of fines and for forfeitures shall go to and be made a part of penitentiary fund."

Lost.

Senator Upshaw moved to

Amend by striking out all after the word "fund," in line 17, down to and including the word "schools," in line 19.

Lost.

The bill passed to its third reading.

On motion of Senator Burney, the constitutional rule was suspended to put the bill on its third reading and final passage by the following vote:

YEAS—25.

Abercrombie,	Jarvis,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burney,	McDonald,
Claiborne,	Pope,
Cranford,	Seale,
Davis,	Simkins,
Field,	Sims,
Finley,	Stephens,
Frank,	Tyler,
Glasscock,	Woodward.
Harrison.	

NAYS—2.

Morris,	Upshaw.
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ABSENT—3.

Burges,	Townsend.
Ingram,	

The bill was read the third time and

Passed by the following vote:

YEAS—21.

Abercrombie,	Harrison,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burney,	McDonald,
Claiborne,	Pope,
Cranford,	Simkins,
Field,	Stephens,
Finley,	Tyler,
Frank,	Woodward.
Glasscock,	

NAYS—6.

Davis,	Seale,
Jarvis,	Sims,
Morris,	Upshaw,

ABSENT—3.

Burges,	Townsend,
Ingram,	

Senator Lane moved to reconsider the vote just taken, and to lay that motion on the table.

The motion to reconsider was tabled.

Senator Upshaw gave notice that he would file his reasons for voting against the passage of the bill just passed.

(Senator Pope in the chair.)

Senator Finley moved to reconsider the vote by which the Senate refused to pass to its third reading

House bill No. 669, a bill to be entitled "An act to amend article 426, title 17, chapter 5 of the Revised Civil Statutes of Texas, and to validate levies and assessments of taxes made by cities for 1889."

The vote was reconsidered by the following vote:

YEAS—21.

Abercrombie,	Jarvis,
Allen,	Kimbrough,
Atlee,	Lane,
Burney,	Maetze,
Claiborne,	McDonald,
Davis,	Simkins,
Field,	Stephens,
Finley,	Tyler,
Frank,	Upshaw,
Glasscock,	Woodward.
Harrison,	

NAYS—7.

Armistead,	Pope,
Burges,	Seale,

Cranford,  
Morris,

Sims.

ABSENT—2.

Ingram,

Townsend.

The bill passed to its third reading. Senator Finley moved to suspend the constitutional rule to put the bill on its third reading and final passage.

The motion was lost by the following vote:

YEAS—21.

Abercrombie,	Jarvis,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burney,	McDonald,
Claiborne,	Simkins,
Cranford,	Stephens,
Field,	Tyler,
Finley,	Upshaw,
Frank,	Woodward.
Glasscock,	

NAYS—6.

Davis,	Pope,
Harrison,	Seale,
Morris,	Sims.

Senator Davis sent up the following privileged reports:

COMMITTEE ROOM,  
AUSTIN, April 5, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 375, being "An act to amend article 1056, chapter 2, title 15 of the Code of Criminal Procedure, as amended by an act of the Eighteenth Legislature, approved April 12, 1883,"

And find the same correctly enrolled, and have this day, at 3:45 o'clock p. m., presented the same to the Governor for his signature.

DAVIS,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, April 5, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Enrolled Bills have carefully examined and compared

Senate joint resolution No. 19, to amend section 9, article 8 of the Constitution of the State of Texas,

And find the same correctly enroll-

ed, and have this day, at 3:45 o'clock p. m., presented the same to the Governor for his signature.

DAVIS, Chairman.

On motion of Senator Jarvis,  
The Senate adjourned till 10 o'clock to-morrow morning.

## SEVENTY-SECOND DAY.

SENATE CHAMBER,  
AUSTIN, April 6, 1889.

Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Cranford,

The reading of the Journal of yesterday was dispensed with.

On motion of Senator Claiborne, Senator Allen was excused for the afternoon.

On motion of Senator Woodward, Senator Abercrombie was excused for to-day.

On motion of Senator Kimbrough, Senator Glasscock was excused for to-day, on account of important business.

On motion of Senator Claiborne, Senator Morris was excused till Monday, on account of important business.

## REPORTS OF STANDING COMMITTEES.

By Senator Cranford:

COMMITTEE ROOM,  
AUSTIN, April 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 317, being "An act for the relief of J. W. Bronaugh, providing for the payment of treasury warrant No. 1247, with ten per cent interest thereon, which was issued to him February 6, 1861, for services rendered by him in the protection of the frontier prior to January 28, 1861,"

And find the same correctly engrossed.

CRANFORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, April 5, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Internal Improvements, to whom was referred

House bill No. 540, entitled "An act to require railroad companies to construct and keep in repair crossings over their roads within enclosures, and also over the road wherever it has been or may be hereafter constructed between the residence and the farm pasture or timber lands of any citizen,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

POPE,  
Chairman.

Bill read first time.

By Senator Pope:

COMMITTEE ROOM,  
AUSTIN, April 5, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Internal Improvements, to whom was referred

Substitute House bill Nos. 222 and 223, entitled "An act to prohibit corporations from purchasing or acquiring any real estate within this State for speculative purposes and to provide penalties for violation of same,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

POPE,  
Chairman.

Bill read first time.

## BILLS AND RESOLUTIONS.

By Senator Davis:

*Resolved,* That a committee of five Senators be appointed by the President to inquire and report immediately what employes of the Senate shall be retained after the close of the session to perform any work, what the work shall be, for how long each shall be retained and the pay of each.

The resolution was adopted.

The President appointed to carry out the objects of the resolution Senators Davis, McDonald, Harrison, Field and Kimbrough.